

REMARKS

Claims 10, 12-14, 16-19, 21-23 and 25-35 are pending in the present application and are rejected. Claim 19 is herein amended. New claims 36-57 are added herein.

Applicants' Response to Comments in the Advisory Action

As a preliminary matter, Applicants discuss the comments on the continuation sheet of the Advisory Action dated December 3, 2008. Applicants respectfully note that some passages of these comments are difficult to understand, due to their being grammatically incorrect run-on sentences. Examples are provided below:

Gagnon may not meet the exact example of the applicant's invention, nevertheless Gagnon discloses that a user can go transition between a program and the slide as the slide is still being displayed when the user selects a program which is two opposite directions one of a slide to another program or back to the same program (Figure 2A, Column 3, lines 13-21). Therefore, this is not unidirectional transitions.

Therefore, the known elements of selection of programs via a slide in EPG with no change to the Terasawa or Gagnon inventions would yield predictable results to modify Terasawa to include to the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon for a more aesthetically pleasing user interface.

In order to expedite examination, it is respectfully requested that any future Office Actions articulate their position clearly and concisely. The Examiner is strongly encouraged to demonstrate her position in several short sentences, rather than a single run-on sentence. To the fullest extent possible, the Examiner is strongly encouraged to articulate her position in her own

words, rather than copying text from the cited art or claims. It is respectfully submitted that improved clarity will expedite examination, and will clarify the positions of both the Applicants and the Examiner if it becomes necessary to appeal the pending rejection.

As to the merits of the comments in the Advisory Action, it appears to be the Examiner's position that Gagnon discloses bi-directions transitions since it "discloses that a user can go transition between a program and the slide as the slide is still being displayed when the user selects a program." First of all, in Gagnon, a user does not select "a program." Rather, a user selects a channel. As illustrated in Figure 2B, the slider includes listing of channels such as "ESPN-207." The slider does not include a listing of programs, such as "Monday Night Football." Additionally, as previously explained, if a user is watching a program on a first channel, the slider can be brought up listing all channels. Thus, a user watching "Channel 1" can select "Channel 2" from the slider, causing the device to tune to Channel 2. Then, the slider can be retained on the screen or can be made to disappear. If the slider stays on the screen, the user could switch to any other channel, including switching back to "Channel 1." However, this is not a "bidirectional" transition as alleged by the Examiner. Rather, this is a series of 'slider-to-program' transitions. There is no disclosure whatsoever in Gagnon of a program-to-slide transition.

Additionally, the Advisory Action did not respond to the following points made in the Amendment filed on November 20, 2008. First, the Advisory Action did not respond to Applicants' remarks regarding the alleged combination of Terasawa and Gagnon. Applicants argued that even if Terasawa and Gagnon were combined, the combination would not disclose

the claimed embodiments. This argument was presented at page 17, line 17 to page 18, line 15. Applicants respectfully request that a future Office Action, if any, clearly articulate whether the Examiner regards the passage from page 17, line 17 to page 18, line 15 as an accurate description of the combination of Terasawa and Gagnon. It is respectfully submitted that this will expedite examination by clarifying whether the Examiner (i) disagrees with Applicants' characterization of what the actual combination of references would look like, or (ii) disagrees with Applicants' position as to whether the combination of cited art discussed at page 17, line 17 to page 18, line 15 would include a "bidirectional transition." Clarification is respectfully requested.

Next, Applicants note that the Examiner did not respond to Applicants' remarks regarding the second clause of claims 28 and 29. This clause of claims 28 and 29 recites an 'original-program-to-beginning-of-next-slide-component' transition. Remarks regarding the second clause of claims 28 and 29 were presented on page 19 of the Amendment filed on November 20, 2008. The Advisory Action did not respond to these remarks. Instead, the Advisory Action copied comments regarding the first clause of claims 28 and 29 from pages 10 and 11 of the August 22, 2008 Office Action. This is not responsive to Applicants remarks. Additionally, the Advisory Action states that "[t]he Terasawa invention deals with EPG functionality which allows a user to transition to the next slide component of the slide when the user moves sequentially via the slide (Figure 4, Figure 5-7, Figure 8)." This comment is not relevant to claims 28 and 29, since this comment merely describes 'slide-component-to-slide-component' navigation. Thus, the Advisory Action's remarks do not respond to Applicants'

remarks regarding the 'original-program-to-beginning-of-next-slide-component' transition of the second clause of claims 28 and 29.

In view of the above, Applicants respectfully request that a future Office Action, if issued, clearly and concisely respond to all points raised in this paper and the Amendment filed on November 20, 2008. For the convenience of the Office, the arguments and amendments from the November 20, 2008 Amendment are repeated herein.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 10, 12-14, 16-19, 21-23 and 25-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Terasawa et al. (U.S. Patent No. 6,147,714) in view of Gagnon et al. (U.S. Patent No. 6,522,342).

With respect to claims 10 and 19, it is the position of the Office Action that Terasawa discloses the invention as claimed, with the exception of the textual description of the slide components including a description about a bidirectional transition between the multiple original audio/video programs and the slide components. The Office Action relies on Gagnon to provide this teaching.

The Office Action responds to Applicants' remarks, but the response is difficult to understand. With respect to the independent claims, the Office Action states that it is agreed that "a slide component in Gagnon is not a segment. Gagnon discloses slide components as channel data." The Office Action then states that Terasawa is relied upon to teach "a slide comprising a segment."

In response, Applicants respectfully submit that it is improper to combine Terasawa and Gagnon. The “slide” of Terasawa is a series of still frames, each taken from a full-length program. Meanwhile, the so-called “slide” of Gagnon is a list of channels. The reference to the so-called “slide” of Gagnon is irrelevant to the pending claims, since it does not disclose a “slide” as defined by the claims. The claims require that the slide comprises “one or more slide components which are each a reduced temporal segment from a corresponding one of said multiple compressed or uncompressed original audio/video programs.” In other words, the so-called “slide” of Gagnon is not a series of segment of programs, thus it is absolutely irrelevant to the pending claims.

Furthermore, even if the so-called “slide” of Gagnon was relevant, it would not have been obvious to combine it with Terasawa. Applicants respectfully submit that these so-called “slides” are not compatible with each other. Therefore, one having ordinary skill in the art would see no reason to combine such dissimilar “slides.”

Additionally, Applicants respectfully submit that even if the references are combined as proposed, this would not disclose or suggest the embodiment as claimed. Applicants respectfully reiterate that the teachings of Gagnon are essentially duplicative of the teachings of Terasawa. This argument was presented in the Amendment filed May 15, 2008, but the pending Office Action provides no comments in response to this point. This argument is briefly reiterated below. The Examiner’s comment on these points is respectfully requested.

If Terasawa and Gagnon were combined, the result would not read on the claims. The proposed modification of Terasawa would be limited to preventing the guide data from

disappearing after a channel is tuned. Such a combination would be a system in which a user watching program A presses a button which brings up a guide of, for example, five still frames selected from broadcast programs B, C, D, E and F. The user could move the cursor to highlight, for example, program C, and could optionally bring up a description of the program (*i.e.*, plot summary, actors, etc.). The user could then select program C by pressing a button, causing the tuner to change the channel to that which broadcasts program C. In this proposed combination, the guide would remain on screen. After tuning to program C, this guide would now consist of still-frames from broadcast programs B, D, E and F. It is unclear whether the still frame formerly occupied by a still frame of program C would now be occupied by a still frame of program A, another program, or a blank space. The user could then select another program to switch to, or could command the guide to disappear.

Such a combination does not include on a bidirectional transition between slide components and original programs. Rather, such a combination is merely a series of *unidirectional* still-frame-to-program transitions, even if the user changes the channel from program A to program C and then back to program A. In the proposed modification of Terasawa, there is no way to perform a program-to-still frame transition. In other words, if a user is watching program A, it is not possible to display a "slide" which includes a still frame of program A. Therefore, for at least these reasons, Applicants respectfully submit that claims 10 and 19 are patentable over the cited art.

Next, Applicants discuss claims 28 and 29. The Office Action alleges that the combination of references discloses this. As to the first clause of these claims, the Office Action

states that if a user clicks on the still frame of a program at the exact time that the program begins, this will result in a transition to the beginning of the program. As to the second clause of these claims, the Office Action's interpretation is less clear. Referring to Figure 8 as an example, it appears that the Office Action states that if a user is watching a 7pm-8:30pm program (World News) a given channel, the transition to the beginning of the slide component of the next program is encompassed by the display of the next program on the same channel, such as an 8:30pm-9:30pm program (World Sport).

In response, Applicants respectfully submit that Terasawa does not disclose these limitations, particularly the 'original-program-to-beginning-of-next-slide-component' aspect of these claims. When the "World News" program ends, the "World Sport" program begins. Thus, this transition would be an original-program-to-original-program transition. Terasawa does NOT disclose that still frames from the presently viewed channel are displayed in the "slide." Thus, with the example given by the Office Action, if a user is watching "World News" on CNN in the main display, still frames of other CNN programs such as "World Sport" or "Money" will never be displayed in the "slide." Accordingly, Applicants respectfully submit that the combination of Terasawa and Gagnon does not disclose or suggest the embodiment of claims 28 and 29. Favorable reconsideration is respectfully requested.

New Claims

In view of the above comments, Applicants respectfully submit that the pending rejection is improper. However, in addition to arguing that claims 10, 12-14, 16-19, 21-23 and 25-35 are

patentable over the cited art, Applicants herein add claims which only recite a browsing method of audio data, rather than video data or audio/video data. Please see new claims 36-57. Terasawa discloses in Figure 1 a program (which would presumably include audio) and a “slide” made up of five still frames from other programs. However, these still frames lack audio.

Additionally, Applicants note it would not have been obvious to modify the combination of Terasawa and Gagnon to include still frames with audio. Terasawa discloses a situation where the main program and a still frame from another program are simultaneously displayed, somewhat like a “Picture-in-Picture” format. However, it would not have been obvious to add audio to the still frames, because the simultaneous play of multiple audio streams is confusing and uncomfortable for a user. Therefore, for at least the above reasons, Applicants respectfully submit that the combination of cited art does not disclose or suggest the subject matter of new claims 36-57. Favorable consideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

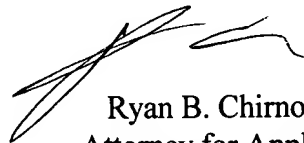
Application No.: 09/863,352
Art Unit: 2424

Amendment under 37 CFR 1.114
Attorney Docket No.: 010661

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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